## HB 2097 HD 1

# RELATING TO LIFEGARUDS

### A BILL FOR AN ACT

RELATING TO LIFEGUARDS.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. There is appropriated out of the general
- 2 revenues of the State of Hawaii the sum of \$ or so much
- 3 thereof as may be necessary for fiscal year 2018-2019 for the
- 4 department of land and natural resources division of state parks
- 5 to hire lifeguards to monitor state and county beach parks.
- 6 The sum appropriated shall be expended by the department of
- 7 land and natural resources for the purposes of this Act.
- 8 SECTION 2. There is appropriated out of the tourism
- 9 special fund the sum of \$ or so much thereof as may be
- 10 necessary for fiscal year 2018-2019 for the department of land
- 11 and natural resources division of state parks to hire lifequards
- 12 to monitor state and county beach parks.
- 13 The sum appropriated shall be expended by the department of
- 14 land and natural resources for the purposes of this Act.
- 15 SECTION 3. This Act shall take effect on July 1, 2050.

### H.B. NO. H.D. 1

### Report Title:

DLNR; Lifeguards; Appropriation

### Description:

Appropriates funds to the Department of Land and Natural Resources to hire lifeguards to monitor state and county beach parks. (HB2097 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

## HB 2097 HD 1

### **TESTIMONY**

DAVID Y. IGE GOVERNOR OF HAWAII





### STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

Testimony of SUZANNE D. CASE Chairperson

Before the House Committee on LABOR & PUBLIC EMPLOYMENT

Thursday, February 15, 2018 10:30 AM State Capitol, Conference Room 309

In consideration of HOUSE BILL 2097, HOUSE DRAFT 1 RELATING TO LIFEGUARDS

# House Bill 2097, House Draft 1 proposes to appropriate funds to the Department of Land and Natural Resources (Department) to hire lifeguards to monitor state and county beach parks. The Department supports this measure with amendments provided that its passage does not replace or adversely impact priorities indicated in the Executive Supplemental Budget request.

The State does not have lifeguard positions and as a result, the Department contracts with the four counties to support lifeguard services at state beach parks under the jurisdiction of the Department's Division of State Parks, that have been identified as having both ocean conditions and a volume of patronage that warrants the critical need for trained water safety personnel. The total costs of the lifeguard contracts for four state beach parks under the jurisdiction of the Division of State Parks is just under \$3,000,000 and are funded through a creative variety of sources: general fund appropriations, special fund appropriations, and a portion of the Transient Accommodations Tax allocation.

Ideally – all four contracts would be funded via a commensurate increase in general funds, – including a targeted need for new lifeguard stations at Kua Bay at Kekaha Kai State Park with an additional \$375,000 for personnel costs.

This table illustrates the previous and current costs associated with providing the current lifeguard contracts.

### SUZANNE D. CASE CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA

JEFFREY T. PEARSON, P.E. DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILD LIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION

LAND STATE PARKS

		FY17	FY18	INCREASE
Initial Memorandum:				
6/27/12 MOF: State Parks				
Special Fund/TAT	HAWAII	\$	\$	\$
	(Hapuna)	465,785.00	868,105.79	402,320.79
Initial Memorandum:				
07/03/08 MOF: State Parks				
General Fund		\$	\$	\$
	MAUI (Makena)	606,469.00	1,056,058.64	449,589.64
Initial Memorandum:				
03/24/08 MOF: State Parks				
General Fund		\$	\$	
	KAUAI (Kee)	200,065.00	287,292.10	\$ 87,227.10
Initial Memorandum:				
06/27/12 MOF: Special				
Land and Development Fund	OAHU	\$	\$	\$
	(Keawaula)	584,216.00	697,084.39	112,868.39
		\$	\$	\$
	TOTAL	1,856,535.00	2,908,540.92	1,052,005.92

The Department recommends that the bill be amended as follows, so that the appropriation be expended by the Department for state beach parks under the jurisdiction of the Division of State Parks, as the Department does not oversee county beach parks.

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2018-2019 for the department of land and natural resources division of state parks to hire lifeguards to monitor state [and county] beach parks. The sum appropriated shall be expended by the department of land and natural resources for the purposes of this Act

The Department supports this allocation, as it will greatly help to offset current costs.

Thank you for the opportunity to comment on this measure.

Harry Kim Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

### County of Hawai'i

Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553 KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740 (808) 323-4444 • Fax (808) 323-4440

February 13, 2018

Representative Aaron Ling Johanson, Chair Committee on Labor & Public Employment Hawai'i State Capitol, Room 309 Honolulu, HI 96813

Dear Chair Johanson and Committee Members:

Re: HB 2097, HD 1 Relating to Lifeguards

Hearing Date: 02/15/18 - 10:30 am; House Conference Room 309

Thank you for this opportunity to testify in support of HB 2097, HD1.

Much of the testimony on this bill, in the Committee on Water and Land, focused on covering the cost of lifeguards at State beaches. However, I think it is at least as important to recognize that HB 2097 is intended to fund safety personnel at county beaches as well.

With the issue of lifeguard liability hanging over our first responders, and no indication that a legislative solution is at hand, my Fire Department supports the hiring of lifeguards by DLNR for State <u>and</u> county beaches. Since all ocean waters are under State jurisdiction, this would seem a reasonable, sensible, and effective path forward.

I hope you will keep HB 2097 alive, with as much funding as you can justify.

Harry Kim

Mayor, County of Hawai'i

Respectfully submitted,

### HONOLULU EMERGENCY SERVICES DEPARTMENT CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1814 Phone: (808) 723-7800 • Fax: (808) 723-7836

KIRK CALDWELL MAYOR



February 14, 2018

JAMES D. HOWE, JR. DIRECTOR

IAN T.T. SANTEE

The Honorable Aaron Ling Johanson, Chair The Honorable Daniel Holt, Vice-Chair House Committee on Labor & Public Employment House of Representatives Twenty-Ninth Legislature Regular Session of 2018

Re: HB2097 Relating to Lifeguards

Dear Chair Johanson, Vice Chair Holt, and Members:

The Honolulu Emergency Services Department provides both Ocean Safety and Emergency Medical Services for the Island of Oahu. As to Ocean Safety, the Department is the contractor to the Department of Land and Natural Resources, State Parks Division, as the ocean safety and lifeguard services provider at Kaena Point State Park. The Department's Ocean Safety Division provides as the education, injury prevention, emergency medical response, and ocean rescue patrol and response services responder for all emergencies that arise on the beach and waters from the shoreline to 1 mile offshore of the state park lands.

In 2016, the ocean safety staff performed 103,850 preventive actions, treated 3,364 minor medical issues, responded to and managed 44 major medical responses, and performed 64 ocean rescues. There were no reported fatalities at the State Park area, which stretches 3.5 miles from Makua Cave to Kaena Point. The area is heavily used for ocean and land recreation purposes, large social gatherings, and is one of the most remote locations on Oahu in terms of available emergency services support.

As noted in the preamble to HB 2097, it is the City and County of Honolulu's ocean safety personnel who provide the lifeguard services that ensure the safety of the public which uses our state and county beach parks.

Due to collective bargaining, the cost of providing these services has increased in the past two years and is anticipated to increase again in the current fiscal year.

As the contracted service provider, the recovery of these increased costs is critical to ensuring the continued provision of these services. This Bill proposes to appropriate funds to ensure the continuation of these services.

Thank you for the opportunity to testify on this matter.

ames D. Howe,

Director

Since

Eileen O'Hara
Council Member
Council District 4

**Chair:** Environmental Management Committee



**Phone:** (808) 965-2712 **Fax:** (808) 961-8912

Email: eileen.ohara@hawaiicounty.gov

**Vice Chair:** Planning Committee and Agriculture, Water & Energy

Sustainability Committee

### County of Hawaii

Hawaii County Council
25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

Representative Aaron Ling Johanson Chair, House Committee on Labor and Public Employment Hawai'i State House of Representatives

February 13, 2018

Re: In Support of House Bill 2097, from Hawai'i County Council District 4
Scheduled to be heard by LAB on 02-15-18 10:30AM in House conference room 309

Aloha Chair Johanson and Committee Members:

I'm writing to express my support for House Bill 2097, which appropriates funds to the Department of Land and Natural Resources to hire lifeguards to monitor State and County beach parks. With more than ten deaths in State waters in the past six weeks, providing lifeguards for everyone to safely enjoy the ocean is literally a matter of life and death. Our beaches are a fundamental attraction for our tourists; we are responsible for their safety during their vacations. Furthermore, our citizens deserve protection and security while enjoying the beaches of their island home.

I do not hesitate to support any measure to protect the people of Hawai'i. Please consider the life-saving impact that passing this bill will have on our people and economy, and contact me if you have any questions about my support.

Sincerely,

Eileen O'Hara Council Member

Elbern O'Hara

Council District 4

### Bernard P. Carvalho, Jr.

Mayor

Wallace G. Rezentes, Jr.
Managing Director



Robert F. Westerman
Fire Chief

Kilipaki K. F. Vaughan Deputy Fire Chief

### KAUA'I FIRE DEPARTMENT County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 315, Līhu'e, Hawai'i 96766 TEL (808) 241-4980 FAX (808) 241-6508

February 13, 2018

The Honorable Aaron Ling Johanson, Chair Committee on Labor and Public Employment House District 31 State Capitol, Room 426 Honolulu, Hawaii 96813

Dear Chair Johanson:

Subject: House Bill (HB) 2097 Relating to Lifeguards

I am Robert Westerman, Fire Chief of the Kauai Fire Department (KFD). The KFD supports HB 2097, which proposes to appropriate \$1,000,000 to the Department of Land and Natural Resources (Department) to hire lifeguards to monitor state and county beach parks. KFD supports this measure with amendments provided that its passage does not replace or adversely impact priorities indicated in the Executive Budget request.

		FY17	FY18	INCREASE
Initial	KAUAI (Kee)	\$ 200,065.00	\$ 287,292.10	\$ 87,227.10
Memorandum:				
03/24/08 MOF:				
State Parks				
General Fund				

Should you have any questions, please feel free to contact me at (808) 241-4980.

Sincerely,

Robert Westerman

Fire Chief, County of Kaua'i

Robert Westerman

AN EQUAL OPPORTUNITY EMPLOYER

RFW/dag

### HAWAII GOVERNMENT EMPLOYEES ASSOCIATION



AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Labor and Public Employment

Testimony by Hawaii Government Employees Association

February 15, 2018

### H.B. 2097, H.D. 1 – RELATING TO LIFEGUARDS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2097 which appropriates funds to the Department of Land and Natural Resources to hire lifeguards to monitor state and county beach parks for fiscal year 2018 – 2019.

As written, H.B. 2097 grants the Department flexibility and discretion to ensure that beachgoers are safe and protected by hiring ocean safety officers to monitor both state and county beach parks. We are hopeful that passage of this measure will lend much needed ocean resources and help in decreasing the amount of drownings and deaths on our beaches.

Thank you for the opportunity to testify in support of H.B. 2097, H.D. 1.

Respectfully submitted,

Randy Pełreira
Executive Director



Harry Kim

Mayor



(808) 932-2900 • Fax (808) 932-2928

Darren J. Rosario
Fire Chief

Renwick J. Victorino

Deputy Fire Chief

February 13, 2018

The Honorable Representative Aaron Ling Johanson, Chair Committee on Labor & Public Employment State Capitol, Room 309 Honolulu, Hawai'i 96813

Dear Chair Luke:

Subject: H.B. 2097 HD1, RELATING TO LIFEGUARDS

Hearing Date: Thursday, February 15, 2018

Time/Place of Hearing: 10:30 a.m., Conference Room 309

I am Darren J. Rosario, Fire Chief of the Hawai'i Fire Department of the County of Hawaii (HCFD). The HCFD supports HB 2097 HD1, which proposes to appropriate funds for the employment of lifeguards to monitor state and county beaches.

The HCFD manages lifeguard services for the County of Hawaii through its Ocean Safety Division. The HCFD provides services at the Hapuna Beach State Park through funding provided by the State of Hawaii, Department of Land and Natural Resources in a contract for. The HCFD is in support of this measure with the funding amounts proposed. The need to expand lifesaving services across our beaches needs the assistance of the funding this measure allocates as a public safety department, we agree with the urgency of this bill and support its passing.

Please do not hesitate to call me at 932-2903 or <u>darren.rosario@hawaiicounty.gov</u> should you have any questions. Thank you for the opportunity to provide testimony in support of HB 2044.

Respectfully,

DARREN J. ROSARIO Fire Chief



<u>HB-2097-HD-1</u> Submitted on: 2/13/2018 10:44:14 PM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawaii	Support	No

Comments:

Representative Aaron Ling Johanson Chair, House Committee on Labor and Public Employment Hawaii State Capitol, room 426 415 South Beretania St. Honolulu, HI 96813

### Chair Johanson;

I am a Battalion Chief in the Hawaii Fire Department on the island of Hawaii and I am submitting testimony in support of HB 2097 Relating to Lifeguards appropriating \$1,000,000 to the Department of Land and Natural Resources (DLNR) to hire lifeguards at State and County Beaches. As part of my duties, I oversee the Ocean Safety Division in the County of Hawaii. I am also the Co-Chair of the state Drowning and Aquatic Injury Prevention Advisory Committee and a board member on the Hawaiian Lifeguard Association.

I strongly support this measure to allocate these funds to staff our state beaches here on the island of Hawaii. Hapuna beach is one of the state's most popular beaches with over 600,000 residents and visitors annually, and is in the top 10 beaches in the state for spinal injuries. This funding will allow DLNR to provide funding for us to provide adequate staffing at this beach that will enhance the safety of our personnel and keep the public safe.

In addition to our lifeguard services there, we also conduct Junior Lifeguard program sessions at this beach with our lifeguards to provide valuable lifesaving knowledge to our youth in this community. Thank you for your consideration and support of this bill.

Sincerely,

Gerald Kosaki, Battalion Chief Hawaii Fire Department

Submitted on: 2/12/2018 5:49:00 PM

Testimony for LAB on 2/15/2018 10:30:00 AM

Subi	mitted By	Organization	Testifier Position	Present at Hearing	
Mely	nda Dant	Individual	Support	No	

### Comments:

Rep. Aaron Ling Johanson, Chair, Rep. Daniel Holt, Vice Chair and Members

I support state funding the hiring of lifeguards to provide the swimmers with safety information, and lifesaving when necessary. Typically the drownings that happen too frequently in our state are because swimmers are at beaches that do not have the oversight of lifeguards. Many people are unaware of currents and weather situations that are on the horizon until it is too late.

Let us be proactive and save more lives. Please support this bill.

Sincerely,

Melynda Dant

<u>HB-2097-HD-1</u> Submitted on: 2/12/2018 6:37:33 PM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
louise rockett	Individual	Support	No

Comments:

please support HB2097

Submitted on: 2/12/2018 7:28:16 PM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing	
Anjanette Naganuma	Individual	Support	No	

### Comments:

Aloha,

My name is Anjanette Naganuma and I live in Lahaina on the island of Maui. I am writing in support of HB 2097 to appropriate funds to hire funds to county and state beach parks. I am lucky enough to have grown up learning to swim in and respect Hawaii's ocean. I believe that people who enter the ocean are responsible for making sure they can handle the conditions in which they place themselves, but I also acknowledge that many, especially our visitors to the state, overestimate their health and abilities. If funds can be made available to place lifeguards on popular beaches where there are currently none, lives will be saved. Please release these funds. Thank you for your consideration.

Submitted on: 2/12/2018 9:11:35 PM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing	
Tamara Paltin	Individual	Support	No	

### Comments:

Aloha Representatives,

while visitor numbers have steadily increased so has Ocean related fatalities. We need more Lifeguards to address this shortfall and as the biggest users of lifeguard services are tourist in distressmakes sense the tour industry needs to take direct action to prevent oceacln deaths.

Tamara Paltin

870-0052

Submitted on: 2/13/2018 5:37:05 AM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
George Vierra	Individual	Support	No

### Comments:

### Aloha Representatives

it is critical that more be done to keep our visitors and residents safe in the ocean Maui County has had over 10 Ocean related deaths this year alone. Hawaii Tourism Authority receives a substantial sum to market Hawaii and they do give back to the environment and cultural programs, however each Ocean related death hurts the image they are trying to promote. Each time a family member or loved one gets sent home in a body bag it has a negative effect on all their efforts. More must be spent on direct Ocean Safety efforts and not the tame watered down propaganda they have been supporting this far.

Mahalo for your consideration

George Vierra

250-3604

<u>HB-2097-HD-1</u> Submitted on: 2/13/2018 8:49:10 AM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing	
Lynnette Santiago	Individual	Support	No	

Comments:

### HB 2097 HD 1

## LATE TESTIMONY



Hawai'i Convention Center 1801 Kalākaua Avenue, Honolulu, Hawai'i 96815 **kelepona** tel 808 973 2255 **kelepa'i** fax 808 973 2253

kahua pa'a web hawaiitourismauthority.org

David Y. Ige Governor

George D. Szigeti
President and Chief Executive Officer

Statement of George D. Szigeti

Chief Executive Officer Hawai'i Tourism Authority

on

HB2097 HD1 Relating to Lifeguards

House Committee on Labor Thursday, February 15, 2018 10:30 a.m.



Chair Johanson, Vice-Chair Holt, and Committee Members:

The Hawai'i Tourism Authority (HTA) **offers comments on HB2097 HD1**, which would appropriate an unspecified sum from the State's general revenues and from the Tourism Special Fund (TSF) for the fiscal year 2018-2019 to the Department of Land and Natural Resources Division of State Parks to hire lifeguards.

HTA believes that the funds required for hiring additional lifeguards are best appropriated from Transient Accommodations Tax (TAT) revenues, rather than the TSF. Currently, under HRS § 237D-6.5, TAT revenues are allocated to the special land and development fund for this same purpose and are administered by the Department of Land and Natural Resources for the "protection, preservation, maintenance, and enhancement of natural resources, including beaches, important to the visitor industry."

HTA is actively involved in supporting State, county and community ocean safety programs, as well as programs focused on education and increasing visitor awareness of dangerous ocean conditions. These programs include the Junior Lifeguard Program, which HTA funded in 2017. Through this program, approximately 2,000 young residents were trained as community water safety ambassadors to enhance their ocean safety awareness and water rescue skills. HTA is also a partner to the State's Drowning and Spinal Injury Prevention Advisory Committee, which works collaboratively to address water safety.

For these reasons, HTA believes that there are more appropriate ways than the TSF to fund the hiring of additional lifeguards to monitor state and county beach parks without impeding the State's ability to attract and retain visitors. Thus, HTA proposes the bill be amended to allocate monies from TAT revenues, instead of from the TSF.

Mahalo for the opportunity to offer this testimony.



HEARING BEFORE THE HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT HAWAII STATE CAPITOL, HOUSE CONFERENCE ROOM 309 THURSDAY, FEBRUARY 15, 2018 AT 10:30 A.M.

To The Honorable Aaron Ling Johanson, Chair; The Honorable Daniel Holt, Vice Chair; and Members of Committee on Labor & Public Employment

### **TESTIMONY IN SUPPORT OF HB 2097 RELATING TO LIFEGUARDS**

Aloha, my name is Pamela Tumpap and I am the President of the Maui Chamber of Commerce. I am writing share our support of HB 2097.

We support HB 2097 that would appropriate funds for the Department of Land and Natural Resources to hire lifeguards to monitor state and county beach parks. With the many recent fatalities in our oceans, we feel it is important to both our visitors and residents to have more lifeguards on duty at our state and county beach parks. The ocean is unpredictable and even those who have experience in our waters can be caught off guard. Having a lifeguard on duty can be the difference between life and death for our beachgoers. Therefore, we support HB 2097.

We appreciate the opportunity to testify on this matter and therefore ask that this bill be passed.

Sincerely,

Pamela Tumpap President

Pamela Jumpap

DRAFT

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

Submitted on: 2/14/2018 6:30:13 PM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ron Bregman	Individual	Support	No

### Comments:

I am strongly in favor of this bill.



Submitted on: 2/15/2018 7:49:54 AM

Testimony for LAB on 2/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
zach edlao	Individual	Support	No

### Comments:

I am in support of HB2097, since it is State jurisdictaion, it is only right that the state should help to fund and protect our visitors and residents who use our beaches and parks.

